

## October Sheriff's Column - Trespassing

November is upon us and hunters have taken to the fields in hopes of bringing home that big deer. The gun deer season will be here before we know it. Before you or your family or friends take to the fields, I would like to give some education on the trespassing laws so you don't find yourself on the wrong side of the law. The sheriff's office generally receives trespassing complaints throughout the hunting season but especially during the ten day gun deer season.

The basics of the statute is that no one may enter the land of another without the express or implied consent of the owner or occupant of that land. Secondly, no one may enter and remain on another person's land after having been notified by the owner or occupant not to enter or remain on the premises.

The first part seems straight forward, however, it can sometimes be problematic to prove because implied can mean different things to different people. The sheriff's office recommends protecting your property by properly posting it. Under the law, posting your property is the easiest way to ensure notification. You of course can still make proper notification both orally or in writing but that won't reach those who you don't know. The statute that governs trespassing states posted notification shall be done as follows:

- Your sign must be at least 11 inches square and is to be placed in at least two conspicuous places for every 40 acres being protected.
- The sign must carry an appropriate no trespassing notice and the name of the person giving the notice followed by the word "owner", or "occupant" if the person giving notice is not the owner but is a legal occupant of the property such as a renter.
- There must be proof the signs were erected or in existence upon the premises prior to and during the event being complained about. Time stamped photos and a credible witness are excellent evidence of that.

Many times, when law enforcement receives trespassing complaints, property owners are insistent that a citation be issued. It is important to realize though, that law enforcement officers have discretionary authority to determine whether to take enforcement action or not. What that means is that it is not our goal to issue citations but rather to gain compliance. If it's clear that the trespasser blatantly disregarded the property of the owner and intentionally violated the law, it is likely that a citation will be issued. However, if the violation is minor in nature or the property was encroached by a very short distance without intent, I would expect that my deputies use good judgement before issuing a citation. Again, the goal is compliance and if we can gain compliance through education in these types of situations, a warning will likely suffice in re-establishing peace and public order.

If you are a hunter, make sure you receive permission before going on someone else's land. Ensure you know where property lines are and be careful not to cross onto

another person's property without that permission. If you happen to shoot a deer and it crosses into an area you are not authorized to be, make sure that you find the owner and obtain permission before going to retrieve that deer. By doing this it could save you from receiving that \$263.50 citation.

I ask you all to be responsible hunters. Doing so will help to keep Dodge County as a safe and enjoyable place to live, work and visit.